

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
SUPPLEMENT TO THE STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Section 632
Title 14, California Code of Regulations
Re: Marine Protected Areas

- I. Supplement to Section III(a) of the April 21, 2010 Initial Statement of Reasons and Section IV.(a) of the November 3, 2010 Amended Initial Statement of Reasons: Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

After the December 15, 2010 adoption hearing, additional changes were made to the proposed regulatory language:

- Bird Rock (Catalina Island) State Marine Conservation Area (SMCA) is an offshore Marine Protected Area (MPA) that does not contact the shoreline; however, the originally proposed regulatory text referenced the mean high tide line. Therefore, in subsection 632(b)(103)(A), the phrase “the mean high tide line and” was removed for consistency with other offshore MPAs that do not contact the shoreline.
- Long Point (Catalina Island) State Marine Reserve (SMR) is an MPA that contacts the shoreline; however, the originally proposed regulatory text did not reference the mean high tide line as is usually done for MPAs that contact the shoreline. Therefore, in subsection 632(b)(104)(A), the term “the mean high tide line and” was added and the phrase “except where noted” was removed to improve clarity and consistency with other onshore MPAs that contact the shoreline.
- Bird Rock (Catalina Island) SMCA, Farnsworth (Catalina Island) Offshore SMCA, and South La Jolla SMCA are offshore MPAs. In subsections 632(b)(103)(A), 632(b)(108)(A), and 632(b)(121)(A), the first coordinate was restated as the final coordinate for consistency with other offshore MPA boundary descriptions.
- Other nonsubstantive changes were made to the proposed regulatory language for clarity, consistency, or to accurately reflect existing regulatory text.

During its review of the rulemaking file, the Office of Administrative Law determined that additional information is required regarding the necessity for the following proposed changes to the regulations:

- Gull Island (Santa Cruz Island) SMR. No changes are proposed to the boundaries or take regulations for this currently existing MPA; however, the phrase “straight lines connecting” is added in subsection 632(b)(87) for purposes of clarity and consistency with other MPA descriptions.

- Buena Vista Lagoon State Marine Park (SMP). This MPA was originally established in 1969 as a State Ecological Reserve. At the time of designation, this area was an estuarine tidal lagoon with salt marsh habitat. However, a weir was built across the mouth of the lagoon in the 1970s, raising the lagoon level above high tide and transforming the lagoon into a shallow freshwater lake. It does not undergo tidal influence at any time of the year. This area was excluded from the study region boundaries because it was no longer considered to be appropriate for "marine protected area" designation, and Department of Fish and Game (DFG) recommended it be removed.
- San Dieguito Lagoon SMP (subsection 632(b)(117)). San Dieguito Lagoon SMP was originally proposed to be removed from the regulations; however, the rulemaking record did not contain sufficient information concerning the necessity for the removal of this MPA. The new proposed regulations retain this MPA with its current boundaries and take and use regulations, but re-designate it as a State Marine Conservation Area, the appropriate MPA designation consistent with the MMAIA.

II. Supplement to Section IV.(a) of the April 21, 2010 Initial Statement of Reasons and Section V.(a) of the November 3, 2010 Amended Initial Statement of Reasons: Alternatives to Regulation Change:

Alternatives to the proposed regulation were provided by the South Coast Regional Stakeholder Group (SCRSG) and the Blue Ribbon Task Force (BRTF) to meet the purposes of the proposed regulation. These alternatives were not selected as the preferred alternative. Each alternative, with the exception of the no-change alternative, meets the goals and guidelines of the Marine Life Protection Act (MLPA) to varying degrees, and attempts to adhere to the Science Advisory Team (SAT) guidelines in the draft master plan to the extent possible.

As compared to the Integrated Preferred Alternative (IPA), Alternative 1 would result in the protection of slightly more marine habitat and marine biological resources in MPAs, but would have greater adverse economic impacts to sport and commercial fishing related businesses and greater adverse impacts on air quality. The Commission rejected Alternative 1 because the IPA does the best job of balancing the scientific guidelines and MLPA goals, bridging areas of divergence among the SCRSG proposals, resolving feasibility issues, and minimizing socioeconomic impacts to the extent possible.

As compared to the IPA, Alternative 2 would have smaller adverse economic impacts to sport and commercial fishing related businesses and slightly less adverse impacts on air quality, but would result in the protection of less marine habitat and marine biological resources in MPAs. The Commission rejected Alternative 2 because the IPA does the best job of balancing the scientific

guidelines and MLPA goals, bridging areas of divergence among the SCRSG proposals, resolving feasibility issues, and minimizing socioeconomic impacts to the extent possible.

As compared to the IPA, Alternative 3 would result in the protection of approximately the same marine habitat and marine biological resources in MPAs, but would have greater adverse economic impacts to sport and commercial fishing related businesses and greater adverse impacts on air quality. The Commission rejected Alternative 3 because the IPA does the best job of balancing the scientific guidelines and MLPA goals, bridging areas of divergence among the SCRSG proposals, resolving feasibility issues, and minimizing socioeconomic impacts to the extent possible.